



## **MECKLENBURG COUNTY**

### **Land Use and Environmental Services Agency**

### **Code Enforcement**

## **How Do Customers and Code Enforcement Work Together?**

The Building Development Commission and Code Enforcement believe strong working relationships derive from a healthy understanding of all parties work goals as well as responsibilities. This understanding should extend to customer needs, department services offered and limits imposed on the participants by internal or external forces. While many of these issues have been discussed extensively in Task Force work with the industry over the years, the BDC believes clarifying these topics in writing can only advance understanding and improve performance by all parties. Herein then is a summary of the “rules of engagement” for Code Enforcement work with the industry.

### **1. Business hours**

Code Enforcement offices at 700 N. Tryon Street are open 8:00 a.m. – 5:00 p.m., Monday through Friday, except for designated County Holidays. Regular Field inspection hours are 8:00 a.m. to 5:00 p.m. as well, HOWEVER, inspectors may start early or work late as their work load dictates and site access allows. Inspections before or after regular hours, requiring access to secured sites, will be confirmed with contractor’s staff in advance.

### **2. Inspections and expediting the construction schedule**

Inspections requested before 7:00 a.m. on any work day, are included in inspection itineraries for that day. The Department goal is to complete all inspections in 1.5 workdays.

Contractors help maintain the quickest inspection response times possible and expedite their construction schedule by:

- a) Assuring the work to be inspected is complete and ready for inspection
- b) Checking the work themselves for code compliance.

The Department offers a special 3<sup>rd</sup> party inspection program, on a per project basis, as a premium service for a premium fee. This program allows contractors to tailor inspection timing to their daily needs, and is typically reserved for larger projects. Program resources are limited, so project eligibility is selective. Interested parties should contact Jim Bartl at 704-336-3827.

### **3. Communicating with inspectors**

We anticipate contractors will want to talk to inspectors by phone as part of their work. Code Enforcement has a formal policy and expectation of inspector in returning phone calls. At their discretion, they may receive calls as they work, or they may pick up and return calls from their voice mail every 2-3 hours, 3-4 times per day. Where inspector performance in returning calls deviates significantly from this criteria, please call the appropriate Inspections Trade Chief or Jim Bartl.

Don’t forget, if you are seeking code compliance criteria in advance of the assignment of an inspector or plan reviewer to your job, you may call the Commercial Technical Assistance Center (CTAC @ 704-336-3829) or the Residential Technical Answer Center (RTAC @ 704-432-RTAC). They also respond to e-mail, fax or walk in requests.

### **4. What to do when you incur variations in interpretations between plan review and inspections**

Field inspectors are ultimately responsible for verifying compliance with the NC Building Code. Sometimes field conditions vary from what the plan reviewer saw or something may be overlooked. In these cases, the inspector is instructed to approve all parts of the work, which are in compliance, and note they have something to review with the office. The inspector and plan reviewer are to discuss variance between field conditions and approved plans, and agree on a final interpretation. If in fact the final

interpretation varies from the plan reviewer's initial interpretation, the plan reviewer will contact the owners A/E team and advise them accordingly.

## **5. What if you don't agree with the inspectors interpretation**

The Department has a formal appeal policy published on the website. In brief, if a customer disagrees with any inspection or plan review interpretation, the order of appeals is as follows;

- a) first, to the inspector or plan reviewer's superior,
- b) next, to the Director of Code Enforcement,
- c) next, to the NC Department of Insurance, Engineering Section,
- d) next, to the NC Building Code Council,
- e) and finally to Superior Court in Wake County or Mecklenburg County.

## **6. Prejudicial treatment or retribution**

Inspectors are instructed to approach each inspection or customer event with a clean slate. No prejudicial treatment of customers is acceptable. Similarly, retribution towards customers questioning interpretations, appealing to a superior, or questioning the code official's customer service demeanor will not be tolerated.

Customers should immediately report any of the foregoing problems to the respective superior, or to the Director. Any such documented treatment of customers will be addressed as an employee disciplinary performance issue, up to and including recommending termination.

## **7. Contractor responsibilities, A/E responsibilities, CEO responsibilities**

All parties involved in construction have responsibilities outlined by the State Licensing Boards overseeing their work.

- Contractors are required to build in compliance with the building code and to comply with state administrative requirements. Their license may be revoked if they are found guilty of fraud, gross negligence, incompetence or misconduct with respect to Board rules.
- Architects and Engineers are required to take into account all applicable state and municipal building laws and regulations. They may be found incompetent and their license revoked if they knowingly design a project in violation of these laws.
- Inspectors are required to verify that observed construction complies with the NC State Building Code. Approving construction without inspecting, or "misconduct, incompetence or gross negligence" are grounds for revocation of an inspectors state certificate.

## **8. Liability**

In North Carolina, Code Enforcement Officials are required to carry state certificates to perform their work. Continuation of this certificate is contingent on the inspector effectively verifying that observed construction complies with the NC State Building Code. Should an inspector be deemed negligent in these duties, the state has the discretion of revoking their certificate, precluding them from performing inspection work.

Recently, and perhaps more significantly, the NC Supreme Court has ruled code enforcement officials do not share the same protection from legal action as police. While Mecklenburg County has pledged to defend staff from legal action as long as they responsibly discharge their duties, the specter of legal liability is much larger for the code official than prior to this NC Supreme Court decision.

## **9. Codes as minimum standards; requiring more or less than the code**

The NC State Building Code is a minimum construction standard. Construction documents often exceed minimum codes; in these cases, the inspectors are empowered to verify only compliance with the minimum state standard.

- Neither state law nor Department policy allow inspectors to require more than the code; such cases should be reported to the respective trade chief or the director, immediately. Similarly, inspectors may not allow an installation, which is less than the code.
- Inspectors should not comment or dictate construction methods; such cases should immediately be reported to the respective trade chief or the director.

- Within regulatory limits, Department staff tries to be customer friendly. However, this doesn't mean the Department provides code consultant services. We have a strict protocol to follow when customers just cannot figure out how to reach code compliance; but even this protocol points to the owner's design professional as the final source on proposing code compliant solutions for the Department's review.

Many customers fail to realize inspectors do not perform quality control on a project, they simply enforce the minimum state building code. For quality issues or construction in excess of the minimum state code standard, the owner's design professional should be the ultimate source of verifying compliance with construction documents.

#### **10. Defect rates: project, contractor, inspector**

The Department maintains three defect rates on inspection activities. Contractor and inspector defect rates are accessible by the Department Website, [www.meckpermit.com](http://www.meckpermit.com), posted on the contractor's toolbox. Project defect rates are calculated on the completion of the project as part of the CO issuance.

- Contractor defect rates: report the percent inspection failures collected by each contractor over a 3-month period, highlighting the 5 most common defects incurred.
- Inspector defect rates: report the percent inspections turned down by each inspector on a per contractor basis.
- Project defect rates: on project completion, collects all inspections made under the master permit into a percent failed calculation. This defect rate is used to adjust the final permit fee according to inspection resources consumed, either decreasing or increasing the final permit fee.

#### **11. Daily inspector assignments:**

Inspection itineraries are distributed electronically, daily at 7am. In the event an inspector is absent from work, their assignments are redistributed among other inspectors. Re-assignments are posted daily by 8am on the Inspector Status phone line (704-432-1000). This industry requested service provides the covering inspector and contact phone numbers, with the understanding the coverage strategy may vary somewhat during the day as inspection work progresses.

#### **12. Project closeout and other project management information available**

- Plan Review Status: may be verified through **sources A, B, & E below**
- Inspections Requests and Inspection Results: may be placed through **sources A, B, C & D below**:
- Temporary Utilities: obtaining these is a two-step process: 1) receive inspector approval upon a temporary power or temporary gas inspection; 2) submit a signed Temporary Utilities Agreement with a required fee.  
 \*Note: Temporary gas is allowed for residential construction October through March only.
- Occupancy Holds: may be verified through **sources A, C & D below**
- Obtaining Certificates of Occupancy: All initial sealed copies of certificates of occupancy are provided at no charge either by mail or pickup. Additional copies may be obtained from **sources D&E below**.

#### **Information source list**

- Source A:** Internet Permitting and Inspection System at [www.meckpermit.com](http://www.meckpermit.com) – available from 6:00 a.m. to 11:00 p.m. Monday through Saturday, and 1:00 p.m. to 11:00 p.m. on Sundays.
- Source B:** Interactive Voice Response System (IRIS) at **(704) 336-8000** – available from 6:00 a.m. to 11:00 p.m. Monday through Saturday, and 1:00 p.m. to 11:00 p.m. Sundays.
- Source C:** Wireless Telephone at [www.mspection.com](http://www.mspection.com) – available from 6:00 a.m. – 11:00 p.m. Monday through Saturday, and 1:00 p.m. to 11:00 p.m. on Sundays.
- Source D:** Documents and Inspections Call Center at **(704) 336-3830** - available during regular business hours, from 8:00 a.m. to 5:00 p.m. Monday through Friday.
- Source E:** Internet Document Research System at [www.meckpermit.com](http://www.meckpermit.com)
- Source F:** Commercial Facilitation Call Center at **(704) 336-3837** - available during regular business hours, from 8:00 a.m. to 5:00 p.m. Monday through Friday.